

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

**I. CLAIM STATUS AND AMENDMENTS**

Claims 1-5 and 8-10 were pending in this application when last examined and stand rejected.

Claims 1 and 10 have been amended to address the formal matters raised in the Office Action. Support amended claim 1 can be found in the disclosure, for example, at page 1, lines 12-18 and line 22 to page 2, line 5 and in original claim 1. Support amended claim 10 can be found in the disclosure, for example, in Figures 4-5 and the description thereof at page 3, lines 1-15. See the discussion below regarding the support for amended claim 10.

New claim 11 has been added that better clarifies the inter-relationship between the cap, the lancet body, the housing and the needle. Support can be found in original claim 1 and in the disclosure, for example, at page 1, lines 12-18 and line 22 to page 2, line 5 and Figures 1-4. No new matter has been added by the above claim amendments.

Claims 1-5 and 8-11 are pending upon entry of this amendment.

**II. OBJECTIONS TO THE DRAWINGS AND SPECIFICATION  
AND WRITTEN DESCRIPTION REJECTION**

The drawings and the specification were objected for allegedly not depicting every feature of claim 10 for the reasons set forth in item 1 on page 2 of the Office Action.

Similarly, the specification was objected as allegedly not disclosing "wherein said cap is adapted to hold the lancet clear of said trigger-releasable latch until said cap is detached from the housing and from the lancet" of claim 10. See item 2 on page 3 of the Office Action.

For the same reasons, claim 10 was rejected under 35 U.S.C. § 112, first paragraph, on the basis the specification fails to disclose the above noted feature of claim 10. See item 4 on pages 3-4 of the Office Action.

Applicants believe that the wording of unamended claim 10 is fully supported by the associated description and drawings. For instance, it is plain in Figures 4 and 5 that, when the cap is still attached to the housing prior to use (i.e. the position shown in Figure 4) the latch surface/ledge 11 on the lancet is clear of the latch surface/flange 12 on the trigger.

Nonetheless, for the sole purpose of expediting prosecution and not to acquiesce to the rejection, Applicant have amended claim 10 to better reflect the above-noted description in disclosure. In amended claim 10, the trigger releasable latch and the lancet are each recited to have respective opposed latch

surfaces cooperable to retain the lancet in the housing until release of the latch, and in which the cap holds the lancet in a position in which the latch surface on the lancet is spaced rearwardly of the latch surface on the trigger-releasable latch.

Thus, it is believed that the present specification fully supports the subject matter of amended claim 10. Thus, Applicant respectfully submit that the present amendment overcomes the above objections and rejection.

### III. PRIOR ART REJECTIONS

Claims 1, 4, and 5 were again rejected under 35 U.S.C. § 102(b) as anticipated by TURNER et al. (US 4,817,603) for the reasons set forth in item 6-7 on pages 4-5 of the Action.

Claims 2, 3, 8, and 9 were again rejected under 35 U.S.C. § 103(a) as obvious over TURNER et al. in view of HAYNES (US 3,165,220) for the reasons set forth in items 9-10 on pages 5-6 of the Action.

These rejections are respectfully traversed and will be discussed together below.

With respect to the requirement of "a cap releasably attached to the lancet adjacent said needle" in claim 1, the Office argues that this feature is met by TURNER et al., because the cap in TURNER et al. is connected to the housing, and the lancet is in turn attached to the housing, and therefore, the cap

(by way of being attached to the housing which is in turn attached to lancet) is releasably attached to the lancet.

In reply to this interpretation of claim 1, Applicant have amended claim 1 to make it clear that the cap is attached to the lancet carrying needle and the lancet housing and is arranged to prevent forward movement of the lancet prior to removal of the cap. This reflects an innovative feature of the invention of amended claim 1, in which a transit cap is secured both to the lancet housing and to the lancet body, so as to prevent movement of the lancet relative to the housing until the transit cap has been removed. This is also clearly reflected in the language of new independent claim 11.

Claim 1 also requires that the cap be "releasably attached to the lancet adjacent said needle." The amendment to claim 1 clearly makes it so that the Office's interpretation of claim 1 is no longer tenable. In other words, the prior

Thus, amended claim 1 provides an arrangement, whereby a cap is provided to cover the opening through which the needle projects on firing both for safety and sterility, and also serves the function of being releasably attached to the lancet and releasably attached to the housing, and is adjacent to the needle. It will be appreciated that because the cap is secured both to the outside of the housing and to the lancet body, the lancet is inhibited from moving until the cap is removed. When

secured in position therefore the cap acts as a safety lock prevent firing of the lancet until the cap has been removed.

The primary reference of TURNER et al. fails to disclose or suggest the above-noted structural features of the device of amended claim 1 and new claim 11.

Instead, TURNER et al. discloses a lancet arrangement in which a cap is simply a conventional cap which is secured only to the front end of the lancet housing to cover the aperture through which the needle projects when fired. This cap serves the sole function of covering the hole through which the lancet needle projects when fired.

There is no mention in TURNER et al. of that the cap is secured to both the lancet housing and to the lancet body itself. Nor is there any suggestion whatsoever in the patent of any interaction/arrangement between the cap 40 and the exterior of the lancet housing and is detachably secured to both the housing and the lancet and thereby prevents movement of the lancet relative to the housing until the transit cap has been removed.

HAYNES fails to remedy the deficiencies in TURNER et al. HAYNES is relied upon for disclosing a tamper-proof container having flanges, grooves and pins. HAYNES mentions nothing about releasably attaching the cap to both the lancet and the lancet body. Nor does HAYNES disclose anything about the cap being adjacent to needle.

Thus, neither TURNER et al., nor HAYNES, nor the combination thereof, disclose or suggest these above-ntoed features of amended claim 1 and new claim 11.

Accordingly, the rejections must fall, because the cited prior art references, either alone, or when combined, fail to disclose or suggest each and every element of the claims. For this reason, the above prior art rejections are untenable and should be withdrawn.

#### **IV. CONCLUSION**

Having addressed all the outstanding issues, the amendment is believed to be fully responsive. In view of the above, it is respectfully submitted that the application is in condition for allowance and notice to that effect is hereby requested. If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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